

Service Date: November 24, 1993

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER of GARY EUGENE PLOUFFE) TRANSPORTATION DIVISION
DBA PLOUFFE DISPOSAL SERVICE, St.)
Ignatius, Montana for a Montana) DOCKET NO. T-93.98.PCN
Intrastate Certificate of Public)
Convenience and Necessity.) ORDER NO. 6269

PROCEDURAL ORDER

By authority delegated to staff, the Montana Public Service Commission (Commission) issues the following procedural order.

1. On July 26, 1993 Gary Eugene Plouffe, dba Plouffe Disposal Service (Applicant), filed an application with the Commission for a Montana Intrastate Certificate of Public Convenience and Necessity as follows:

Class D - Garbage and refuse within St. Ignatius and a 25 mile radius thereof and to provide services to any tribal member or business within the exterior boundaries of the Flathead Reservation. LIMITATION: Transportation north of the Flathead River is prohibited.

2. The hearing on the application was noticed and set for hearing December 1, 1993 at 9:00 a.m. at City Hall, St. Ignatius, Montana.

3. On November 19, 1993 the Commission received a Motion

to Continue the hearing from Protestant's counsel, concurred in by Applicant's counsel. The Commission granted this motion on November 22, 1993 at its regularly scheduled meeting and directed staff to establish a procedural schedule and order for briefing issues of tribal/state jurisdiction raised by the parties.

SCHEDULE

4. The Commission sets forth the following procedural schedule pursuant to its authority in ARM 38.2.2702. All dates listed in the following schedule are mailing dates (filing and service) unless otherwise specified.

- (a) December 8, 1993: (1) Final day for filing petitions to intervene, requests to file amicus briefs, or any other motions related to standing, interest, or matters raised in the application. (2) Final day for notifying the Commission of the issue(s) to be briefed and the general position taken. Each party shall file a Statement of the Issue(s) and a brief statement of its position.
- (b) December 13, 1993: Date set for Commission action on petitions, motions or requests filed pursuant to .4(a)(1).

- (c) January 5, 1994: (1) Final day for filing simultaneous initial briefs on the issues. (2) Final day for filing discovery requests/data requests.
- (d) January 19, 1994: (1) Final day for filing simultaneous reply briefs in response to the briefs filed pursuant to .4(c)(1). (2) Final day for filing responses to data requests propounded pursuant to .4(c)(2).
- (e) January 24, 1994: Final day for objections, motions or requests. Any application which may result in a continuation of the hearing date shall be faxed to the Commission, attention Denise Peterson, to allow time to cancel the court reporter appearance fee, if deemed appropriate by the Commission. FAX #(406) 444-7618.
- (f) February 1, 1994: Date set for hearing.

5. Unless excused by the Commission, failure of a party to answer data requests may result in: (a) action refusing to allow the failing party to support or oppose related claims; (b) action prohibiting introduction of related matters in evidence; or (c) other relief the Commission deems reasonable and just.

6. Parties may make appropriate motions not contemplated by this procedural order. However, the dates set forth herein

are firm as relates to the individual deadlines. Parties are encouraged to file in advance of the deadlines to facilitate the proceedings.

Done and Dated this 22nd day of November, 1993 by a vote of 5-0.

BY THE MONTANA PUBLIC SERVICE COMMISSION

BOB ANDERSON, Chairman
BOB ROWE, Vice Chairman
DAVE FISHER, Commissioner
NANCY MCCAFFREE, Commissioner
DANNY OBERG, Commissioner